

### **REMARKS**

In response to the Office Action of July 28, 2004, Applicants are filing concurrently herewith a Request for Continued Examination (RCE), along with this Preliminary Amendment. In this regard, claims 1, 7-9, 28-29 and 32 have been amended and claim 6 has been cancelled. It is respectfully submitted that the claims, as presently amended, are directed to certain distinguishable embodiments. In view of the following arguments as well as the above-identified amendments, reconsideration of this application is respectfully requested.

More particularly, the present amended claims are directed to the use of a self-generating anaerobic medium composition for the selective enhancement of anaerobics from a sample that contains facultative microorganisms. This medium composition comprises generally a nutrient medium, a salt of an azide; wherein the azide is present in an amount sufficient to limit the generation of facultative microorganisms while not inhibiting the generation of anaerobic microorganisms. Also included are oxygen scavenging membrane fragments while are utilized to create an anaerobic environment, etc. Of particular importance here, the membrane fragments utilized are derived from the respiratory system of organisms which are normally sensitive to azide. For example, the organism Escherichia coli is sensitive to azide and its growth is inhibited thereby. However, it has been found that membrane fragments that are derived from the respiratory system of this organism are effective in producing an anaerobic environment. Consequently, these membrane fragments create anaerobic environments in azide concentrations that inhibit growth of the microbe itself.

It is respectfully submitted that the present development is not disclosed and/or remotely discussed in any of the referenced cited. Accordingly, further consideration and allowance of the claims is respectfully requested.

In view of the above amendments and comments, Applicants submit the present application is in condition for allowance. Withdrawal of the rejections and issuance of a Notice of Allowance is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call Richard M. Klein at telephone number 216-861-5582, Cleveland, Ohio.

It is believed that no fee is due in conjunction with this response. If, however it is determined that fees are due, authorization is hereby given for deduction of those fees from Deposit Account No. 06-0308.

Respectfully submitted,

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January 25, 2005

Date



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